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10/039,105	01/04/2002	Shell Sterling Simpson	10007691-1	8630

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2625

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01/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/039,105

Applicant(s)

SIMPSON ET AL.

Examiner

Michael Burleson

Art Unit

2625

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-23 is/are allowed.
- 6) ☒ Claim(s) 24,28,29,31,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 25,27,30 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see 10-16, filed 04/19/2007, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kumada US 6563944.
2. Applicant questions why claims 13, 21 and 25 were not identified as containing allowable subject matter (Applicant's remarks page 10). Examiner agrees with Applicant. Claims 13, 21 and 25 contain the same allowable subject matter as claim 4 and are objected to. Applicant also questions why claim 28 is not identified as containing allowable subject matter. In view of new reference Kumada '944, which teaches of network printers (column 4, lines 28-31), claims 24 and 28 are rejected.
3. Applicant states that the reference of Kumada '355 fails to teach "via a network" (Applicant's remarks page 13). Examiner agrees with Applicant. Kumada '944 teaches of network printers (4, 5 and 6) (column 4, lines 28-31).
4. Applicant states that the reference Kumada '355 fails to teach accessing image data to be printed "responsive to a print command". Examiner disagrees with Applicant. Kumada '355 teaches that the color printer (3) is instructed to print, after which, image data is accessed (column 5, lines 28-52).
5. Applicant states that Kumada '355 fails to teach of identifying colors represented by imaging data "from information contained within the imaging data" (Applicant's

remarks page 14). Examiner disagrees with Applicant. Based on the excerpt that Applicant provided from column 8, lines 40-47, it says, "in a case where the color to be checked...". The "color to be checked" implies identification of a color that is checked against the color gamut, which comes from the input image.

6. Applicant states that Kumada '355 fails to teach of identifying color "independent of consideration of monitor characteristics" (Applicants remarks page 14-15). Examiner agrees with Applicant.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 24, 28, 29, 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada US 6377355 in view of Kumada US 6563944.

9. Regarding claim 24, Kumada '355 teaches of a logic configured to identify colors represented by the imaging data from information contained within the imaging data, logic configured to compare the identified colors with a color gamut of the printer and logic configured to notify the user if one or more of the identified colors is not included in the color gamut of the printer (column 8, lines 15-52, figure 9).

10. Kumada '355 fails to teach of a network-accessible printer, comprising: a processing device; and memory including a network-based printing service comprising logic configured to access imaging data to be printed.

11. Kumada '944 teaches of a network-accessible printer (network printers (4,5 and 6) (column 4,lines 28-31)), comprising: a processing device (CPU, column 4,lines 33-35); and memory including a network-based printing service comprising logic configured to access imaging data to be printed (RAM column 4,lines 33-60).

12. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Kumada '355 with a network-accessible printer. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Kumada '355 by the teaching of Kumada '944 so that Kumada's invention can access any printer to perform image processing.

13. Regarding claim 28, Kumada '944 teaches wherein the service is hosted by a network-accessible printer (column 4, lines 33-60).

14. Regarding claim 29, Kumada '355 teaches of a method performed by a printing device, the method comprising: the printing device, responsive to a communication received from a user computing device, downloading content to a network browser of the user computing device (column 5, lines 28-52, column 13, and lines 46-56).

Kumada teaches the printing device accessing via a network imaging data to be printed by the printing device (column 13, lines 46-56). Kumada teaches the printing device identifying colors represented by the imaging data from information contained within the imaging data itself (column 8, lines 40-47). Kumada teaches the printing device

determining whether a color gamut of printing supports all of the identified colors (column 8, lines 40-47). Kumada '355 teaches the printing device notifying the user if one or more of the identified colors are not included in the printing device color gamut (column 8, lines 40-47).

15. Regarding claim 31, Kumada '355 teaches wherein accessing imaging data comprises accessing the imaging data with application programming instructions of the printing device (column 8, lines 40-47).

1. Regarding claim 33, Kumada '355 teaches identifying colors comprises identifying a color profile contained within the imaging data (column 8, lines 26-38)

16. Regarding claim 34, Kumada '355 teaches wherein the color profile comprises an ICC profile (column 8, lines 21-29)

Allowable Subject Matter

17. Claims 1, 3--23 are allowed.

18. Regarding claims 1, 12 and 20, prior art of record fails to teach the color identification occurs independent of consideration of monitor characteristics.

19. It is inherent that claims 3-11, 13-19 and 21-23 are also allowed.

20. Claims 25, 27, 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached at (571) 272-7406



KIMBERLY WILLIAMS
PRIMARY PATENT EXAMINER

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Patent Examiner
Art Unit 2626



Mlb
December 24, 2007